OIPE IAP13 JAN 30 2006 PATENT & TRADEMARK OFFICE

Docket No. 243915US0CONT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Guido SCHMITZ, et al.

SERIAL NO: 10/681,279 GAU: 1772

FILED: October 9, 2003 EXAMINER: BRUENJES

FOR: COMPOSITE HAVING TWO OR MORE LAYERS, INCLUDING AN EVOH LAYER

TERMINAL DISCLAIMER

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Now comes the undersigned, Attorney of Record in the present application, who avers as follows:

DEGUSSA AG is the owner of the entire right, title and interest in and to the invention claimed and disclosed in the above-captioned patent application by virtue of assignment, said Assignment having been recorded in the U.S. Patent and Trademark Office at reel no. 012401, frame(s) 0495.

DEGUSSA AG hereby disclaims the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of Patent No. 6,783,821, and hereby agrees that any patent so granted on said above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,783,821, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

DEGUSSA AG does not disclaim any terminal part of any patent granted on the above-captioned application that would extend to the full statutory term as defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of Patent No. 6,783,821 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

01/31/2006 HALI11 00000056 10681279
02 FC:1814 130.00 OP

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
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1/26/06
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